

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5 are currently pending. Claims 1-5, which are hereby amended, are independent. Support for this amendment is provided throughout the Specification as originally filed and specifically at pages 16-17. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-5 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,894,119 to Tognazzini.

Claim 1 recites, *inter alia*:

“An electronic content providing method for performing electronic content provision to a user... comprising the steps of:

accessing a menu of available electronic contents;

acquiring an identification code for identifying an electronic content...; and

supporting the downloading of the retrieved electronic content to a recording medium by inputting the identification code to said information terminal, without performing, in

said store, a process for retrieving a specified electronic content from the available electronic contents.” (emphasis added)

As understood by Applicant, U.S. Patent No. 5,894,119 to Tognazzini relates to a system in which a bar code reader, a wireless transceiver, an earphone jack and a battery are integrated into a pen sized device. The bar code reader is used to scan the product identification code or music packaging. The product code is sent to a central computer or a music store where stored digital samples of the music reside in a database. Music samples are retrieved and sent to the pen sized device where the sample is converted to audio signals for listening by a user over the earphone jack. Indeed, Tognazzini discloses that when a CD or a cassette tape is found to be of interest, the user runs a pen across the bar code on the album. If the bar code reader finds a valid number, the pen beeps. (emphasis added)

Applicant submits that nothing has been found in the cited portions of U.S. Patent No. 5,894,119 to Tognazzini (hereinafter, merely “Tognazzini”) that would disclose or suggest accessing a menu of available electronic content, as recited in claim 1.

Therefore, Applicant submits that claim 1 is patentable.

Independent claims 2-5 are similar in scope and believed to be patentable for similar reasons.

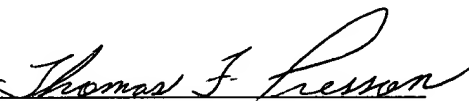
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,
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